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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,445	08/28/2003	Chun-Chieh Lin	TSM02-1369	6733
25962	7590	06/09/2004	EXAMINER	
SLATER & MATSIL, L.L.P. 17950 PRESTON RD, SUITE 1000 DALLAS, TX 75252-5793			NADAV, ORI	
			ART UNIT	PAPER NUMBER
			2811	

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-11 and 26-36 drawn to a semiconductor device, classified in class 257, subclass 347.
- II. Claims 12-25 drawn to a process of making a semiconductor device, classified in class 438, subclass 22+.

2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case unpatentability of Group II invention would not necessarily imply unpatentability of the process of the group II invention, since the device of group I invention could be made by processes different from those of group II invention. For example, in claim 12, instead of forming a gate structure over the channel layer and then removing portions of said channel layer and said buried dielectric layer using at least a portion of said gate structure as a mask, forming first a mask layer, removing portions of said channel layer and said buried dielectric layer using the mask layer as a mask, removing the mask layer, and then forming a gate structure over channel layer.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(571) 272-**

Art Unit: 2811

1660. The Examiner is in the Office generally between the hours of 7 AM to 4 PM
(Eastern Standard Time) Monday through Friday.

Any inquiry of a general nature or relating to the status of this application should be
directed to the **Technology Center Receptionists** whose telephone number is **308-
0956.**

A handwritten signature in black ink, appearing to read 'Ori Nadav', is positioned above the printed name.

O.N.
6/5/04

ORI NADAV
PATENT EXAMINER
TECHNOLOGY CENTER 2800